

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIAM MILLER,

Plaintiff,

Case No. 1:13-CV-566

v.

HON. ROBERT HOLMES BELL

WOLF FIEDLER,

Defendant.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On December 5, 2013, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) recommending that Defendant’s motion to dismiss for lack of personal jurisdiction be denied without prejudice, but that his motion to dismiss the complaint for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6) be granted. (Dkt. No. 17, R&R.) Objections were due within fourteen days of service of the R&R, but the Court granted Plaintiff’s motion for an extension of time until January 22, 2014, to file objections. (Dkt. No. 20, Order.) No objections have been filed, and the extended deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the Magistrate Judge’s December 5, 2013, R&R

(Dkt. No. 17) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant's motion to dismiss (Dkt. No. 4) is **GRANTED IN PART** and **DENIED IN PART**. To the extent Defendant moves to dismiss for lack of personal jurisdiction, the motion is **DENIED WITHOUT PREJUDICE**. To the extent Defendant moves to dismiss for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6), the motion is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's complaint is **DISMISSED**.

Date: January 24, 2014

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE